THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.16520 OF 2007

DATED: 27-09-2007

BETWEEN

Chinthakindi Sattemma,
W/o. Late Yadaiah,
R/o. Kandlapalli Village,
Pudur Mandal,
Ranga Reddy District.

...PETITIONER

AND

Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner is the wife of Late Yadaiah. The husband of the petitioner committed suicide on 02.07.2002 and accordingly a case in Cr.No.151 of 2002 was registered by the Vikarabad Police Station, Ranga Reddy District under Section 174 of the Criminal Procedure Code, 1973.

2. Petitioner submits that she belongs to Scheduled Caste and owns agricultural land admeasuring Ac.3.00 guntas and her husband used to cultivate the said land and their family was depending on the agricultural income. She further submits that the Government in G.O.Ms.No.421 Revenue (DA-II) Department dated 01.06.2004 granted interim special package to support the distressed family members and also rehabilitation package. As per the G.O., Government decided to give financial assistance

of Rs.1,00,000/-
ex gratia to the kin of the deceased farmer, as an economic support, besides loan settlement up to a ceiling of Rs.50,000/- as one time settlement to creditors. Apart from that the Government under the Rehabilitation package also provided for admission of children in social welfare schools and hostels; allotment of houses under I.A.Y. scheme; economic support under Government schemes and pension etc.

3. Petitioner further submits that pursuant to recommendations by the concerned authorities, ex gratia was not considered in spite of filing representations dated 25.11.2004 and 12.05.2007 for grant of
ex gratia and compensation in terms of G.O.Ms.No.421 dated 01.06.2004. She further submits that after filing the writ petition,
the District Collector – second respondent by order No.D4/1704/2005 dated 13.08.2007 denied the ex gratia amount of Rs.1,00,000/- and Rs.50,000/- towards loan settlement but only sanctioned the benefits of NFBS to the petitioner, house under IAY scheme, admission of children to hostel and sanction of widow pension to the petitioner. The grievance of the petitioner is that the order passed by the second respondent is not in consonance with the aforesaid G.O.

4. A perusal of the said order dated 13.08.2007 goes to show that the same has been passed based on the report submitted by the Assistant Director of Agriculture, Pudur Mandal; Deputy Superintendent of Police, Vikarabad Division and Revenue Divisional Officer, Vikarabad Division, which is constituted under the aforesaid G.O. The aforesaid report submitted by the committee constituted in June 2005 goes to show that the deceased, an agricultural labourer, was cultivating the land in an extent of 2 acres assigned to his mother-in-law. Though he has committed suicide due to debts, as per FIR the debts were obtained for treatment of his mother-in-

law who was suffering from T.B. The deceased obtained Rs.20,000/- from Begari Jaya Rajan and Rs.10,000/- from Chevella Anjaiah both residents of Kandlapally village. The deceased has not obtained loans from the Government or from the Bank. The deceased survived by the petitioner, two daughters aged 7 and 5 years respectively and a son aged 3 years. Accordingly, they have recommended rejecting the claim for ex gratia.

5. Learned counsel for the petitioner submits that the said report of the committee is contrary to the facts; without conducting any fair and proper enquiry and without examining the creditors as well as the petitioner. He further submits that, in fact, the MRO, Pudur Mandal in his report vide letter No.G/161/2005 in March 2005 stated that the petitioner's husband committed suicide by hanging himself in 2002 and in that connection the Mandal Revenue Inspector conducted enquiry and submitted a report, which reveals that the husband of the petitioner died due to hanging on 02.07.2002 for debts. The deceased cultivated cotton crop in 2 acres in the year 2002-03 and the crop failure was due to drought and as he could not secure the expenditure on cotton crop, he borrowed a sum of Rs.30,000/- from private persons and had not cleared debts. He faced humiliation and committed suicide by hanging himself at Maisamma Katta.

The deceased family is having AA4 card and having 2 acres of land and the family lives below the poverty line. Therefore, they are entitled to ex gratia as per the G.O.

6. The report consisting of the RDO, DSP and Assistant Director of Agriculture, Pudur Mandal, dated -06-2005 goes to show that they have not made proper enquiry by examining the creditors with regard to the loan raised by the deceased. It is not in dispute that the deceased was a farmer and cultivating the land of his mother-in-law, who lived with the deceased. Therefore, it cannot be said that the deceased has secured loan for the

purpose of treating her mother-in-law alone, as there is no evidence to show that the loan raised by the husband of the petitioner was used only for treatment of his mother-in-law. In view of the aforesaid facts and circumstances, I am of the opinion that it is just and proper to direct the respondents to conduct re-enquiry and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of directing the respondents to conduct re-enquiry by examining the creditors and all the concerned persons with reference to the earlier report submitted by the Mandal Revenue Officer and pass appropriate orders, after giving reasonable opportunity to the petitioner, in accordance with law as expeditiously as possible without any undue delay. There shall be no order as to costs.

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V. ESWARAIAH, J

September 27, 2007
DSK